IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.704 OF 2004

IN

NOTICE OF MOTION NO.656 OF 2000

IN

B.C.C.C.S.C.SUIT NO.978 OF 2000

Mashooq Ali S.Khan & Anr. ...Appellants

Versus

Kandathil Chacko Williams ...Respondent

.....

Mr.R.P.Singh for Appellants.

None for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 20, 2006.

P.C.

1. Heard Counsel for the Appellants.

2. This Appeal from Order takes exception to the interlocutory order passed by the Trial Court as back as on 23rd June 2004, restraining the

Appellants from further encroaching and/or trespassing and/or putting up further unauthorised construction on the Respondent's suit plot till the disposal of the Suit. The Appellants have suffered this order since then.

3. Earlier, the Appeal was dismissed for non-prosecution on 9th August 2004 but came to be restored under order dated April 12, 2006. However, at this distance of time, I see no propriety in examining the contentious issues raised in this Appeal on merits. Instead, the Appeal is disposed of with direction to the Trial Court to finally dispose of the Suit as expeditiously as possible preferably by end of March 2007. The Suit pertains to year 2000. The Trial Court will take necessary steps for disposal of the Suit within the stipulated period. This direction is passed on the assurance given by the Appellants before this Court through Counsel that complete cooperation will be extended to the Trial Court for early disposal of the Suit. All questions are left open to be decided on its own merits by the Trial Court.

A.M.KHANWILKAR, J.